

1 *E-Filed 1/29/13*

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN FRANCISCO DIVISION6 SALVADOR NEGRETE,
7 Plaintiff,
8 v.
9 G.D. LEWIS, et al.,
10 Defendants.

No. C 12-0809 RS (PR)

**ORDER REVOKING IN FORMA
PAUPERIS STATUS**

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12 This closed federal civil rights action is on appeal. The Court of Appeals has referred
13 the matter to this Court for a determination whether plaintiff's *in forma pauperis* ("IFP")
14 status should continue for this appeal. This Court determines that it should not. There are no
15 valid grounds on which an appeal can be based. Consequently, the Court certifies that any
16 appeal taken from the order of dismissal and judgment of this action will not be taken in good
17 faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*,
18 356 U.S. 674, 674– 75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir.
19 2002). Accordingly, plaintiff's IFP status is hereby REVOKED. The Clerk shall forthwith
20 notify plaintiff and the Court of Appeals of this order. *See* FRAP 24(a)(4). Plaintiff may file
21 a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days after
22 service of notice of this order. *See* FRAP 24(a)(5). Any such motion "must include a copy
23 of the affidavit filed in the district court and the district court's statement of reasons for its
24 action." *Id.*

25 **IT IS SO ORDERED.**

26 DATED: January 28, 2013


27 RICHARD SEEBORG
United States District Judge

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